

THE DAILY JOURNAL

the best daily paper published on the line of the Central Pacific Railroad, east of Sacramento, having a general circulation throughout the State, it is especially valuable as an advertising medium.

THE DAILY AND WEEKLY JOURNAL have a combined circulation larger than that of any interior journal of Nevada, excepting those the Comstock.

NEWS OF THE MORNING.

Senator Sargent is convalescent. He rode out yesterday.

Orville Grant has been liberated from the insane asylum.

Blaine and Thurman are preparing for a tilt on the Southern question, which comes up Monday.

It is stated the Potter Committee have some cipher dispatches sent by the Republican visiting statesmen in Louisiana.

Gov. Nichols is visiting the bulldozed parishes of Louisiana, taking evidence as to the fraud and intimidation used.

A private letter from Gen. Grant says he still intends to go to India and China, and thence home via San Francisco in about a year.

Wholesale smuggling is reported on the Mexican border. The Mexican custom officers are said to be encouraging it.

The citizens of New Orleans held a mass meeting and passed resolutions of thanks and appreciation for the assistance rendered during the yellow fever scourge.

The California Constitutional Convention yesterday tabled the resolution requesting Senators and Representatives to support Congressman Stephen's bill granting a subsidy to the Union Pacific.

GRATEFUL NEW ORLEANS.—A mass meeting, composed mainly of influential citizens, was held at the Varieties Theater, New Orleans, on Thursday night and adopted resolutions expressing in the most eloquent and emphatic manner the gratitude of the city for aid extended by the various sections of the Union during the prevalence of the yellow fever, and denouncing those wicked men who would again, for selfish ends, arouse clamors of sectional discord which this generous overflow has tended to allay forever. They continue: "We declare, as our unanimous sentiment, with unaffected sincerity of grateful hearts, that no difference of political creed can weaken and no evils of designing politicians sever the ties which bind us by the most sacred and tender memories in the bonds of a national brotherhood, one and indivisible."

The agitation about the status of Mrs. Senator Bruce (colored) in Washington on society continues. She is a very handsome octogenarian, and although Mr. Hayes cut Fred Douglass off from some of his duties as Marshal at the White House, Mrs. Hayes persists in saying that she will invite Mrs. Bruce to attend her at the first Presidential reception. The Cabinet ladies will call on her, without reserve. Senator Bruce is very dark.

It gives Republican observers no end of comfort to notice that the Democrats are unanimously defending the bull dozing and ballot box stuffing in South Carolina. Not one of them has a word of approval to offer, but there is abundant evidence that they think there was no harm done so long as the party was successful.

An old negroes who passed among the ignorant of her race as a sooth-sayer once told Mr. Calhoun that no one whose name began with letter "C" could ever be President. An Ohio newspaper recalls this incident, and cites the names of Clinton, Calhoun, Clay, Crawford, Cass, Chase, among the dead, and Conkling among the living, to verify the prophecy.

Mr. Thomas Tennant, who has had a deal of legislative experience, announces himself as a candidate for Engrossing Clerk of the Assembly. We unite with the Carson Appeal in pronouncing Mr. Tennant in every way qualified for the place.

Operations are to be resumed at the Kossuth mine, Silver City at no distant day.

BLAINE VS. THURMAN.—The Blaine resolution will be called up for action next Monday. Senator Blaine has been at home for the past two days engaged, it is understood, in preparation of some remarks with which to open the discussion. Thurman, who will present the Democratic amendment, has also been out of his seat for a day or two presumptively preparing for the fray. The Democrats say the Republicans cannot afford to put obstacles in the way of the fullest possible investigation, and that they will therefore be compelled to accept this amendment, which is of such a comprehensive character that its adoption will, it is claimed, throw light upon every charge of intimidation, interference or violence at the polls in every State of the Union by either State or Federal officers, and thus enable the public to judge which of the two parties was guilty of the greater misconduct.

In view of the rapid progress already made with the appropriation bills and apprehended danger to the party in control of the House of allowing too much scope for political discussion and private legislation, the Speaker and other prominent Northern Democrats are laying plans for a long holiday recess, to begin as early as the 19th or 20th instant and to last until the 6th of January. It is doubtful, however, if the majority of both Houses will consent to so great an abridgement of a short session.

Edmunds gave notice that on Monday he would call up the bill relating to the Presidential election and the counting of votes.

The regular annual meeting of the stockholders of the Andes Mining Company will be held on the 18th instant.

SUPREME COURT DECISION.

L. D. Wicks, Respondent, vs. M. Lippman Appellant.

[OPINION BY HAWLEY]

Wicks and Lippman were copartners, engaged in business as merchants. On the 14th of November, 1876, the partnership was dissolved by mutual consent. Wicks agreed to pay Lippman \$303 88; to take the book accounts and stock of goods on hand and settle all the outstanding indebtedness of the firm. After paying the said sum of \$303 88, Wicks discovered that several of the accounts standing upon the books in favor of the firm had actually been paid to Lippman prior to the dissolution, and that Lippman had failed to give credit for the same.

This action was brought to recover the amount of these accounts.

1 Appellant claims that plaintiff could only recover, if at all, by instituting proceedings in a court of equity to repudiate his contract of purchase, and to open up and settle the accounts between the partners. This position is not, in our opinion, tenable.

In order to enable one partner to maintain an action at law against his copartner for a balance due on settlement of accounts it is necessary that there should have been a balance found and agreed upon by both parties. (Ross vs. Cornell, 45 Cal., 136; Ridgeway vs. Grant, 17 Ill., 118; Parsons on Partnership, 278.)

This testimony offered upon the part of the respondent shows that both parties examined the books and accounts kept by the firm; that Wicks believed, and had good reason to believe, that the accounts seen for had not been paid; and that there was found a deception upon the part of Lippman in failing to give the proper credits, or to notify Wicks that the accounts had been paid.

It is expressly averred in the complaint that a final balance was struck and ascertained, and this allegation is not denied in the answer.

We are of the opinion that the facts of this case bring it substantially within the rule above stated.

The accounts are shown to have been "cut out from the partnership," and this is all that the law requires. (Parsons on Partnership, 282.)

An action at law can always be maintained by one copartner against another for any money that has been withdrawn by him in excess of his share. (Wiggin vs. Cummings, 8 Allen, 354.)

In the present case it appears that Wicks, in ignorance of the true state of the accounts, was induced by the deception of Lippman to pay more than he would have paid had he been informed of the true state of the facts, and inasmuch as the adjustment of the matters in controversy does not involve the settlement of any partnership accounts, the plaintiff is, upon well settled principles entitled to maintain this action. (Parsons on Partnership, 284; Adams vs. Funk, 53 Ill., 219; Russell vs. Grimes, 46 Mo., 411; Crosby vs. Nichols, 3 Bow., 450.)

2 The authorities cited by respondent clearly establish the fact that the Court did not err in allowing plaintiff's counsel to cross examine the defendant, touching his past life, for the purpose of affecting his credibility as a witness.

The judgment of the District Court is affirmed. HAWLEY C. J. We concur: LEONARD, J. BEATTY, J.

LETTERS FROM WASHINGTON.

WASHINGTON, Nov. 29th, 1878.

Nullification appears to be the rule in the South, as it was in Calhoun's time. But the methods of enforcing it against the United States are as much worse now as can be imagined. The President is

FORCED TO RECOGNIZE

The disagreeable fact that the United States laws cannot be enforced in South Carolina with the consent of the Ex-Confederates, whose pledges are broken without hesitation, and his forthcoming message will be in sharp contrast with his former utterances, if we may believe his intimate friends, who say he is thoroughly convinced of the utter uselessness of further temporizing. But the Hamptonites complacently repeat the remark made famous by Boss Tweed, "What are you going to do about it?" The President will find the question a hard one to answer, with both Houses of Congress against him after the 4th of March, and the Republican States of the South given over to the mercies of the

DEMOCRATIC OPPRESSORS.

However, the dishonest and violent methods which operated in the campaign must be well investigated and ventilated this Winter, and the North will be aroused to a solid opposition to such things. As usual, the Democrats have gone to such extremes that they will probably work their own downfall. The sub-Committees of the House Appropriation Committee are in session, preparing their reports, several of which will be ready immediately on the assembling of Congress. The more important ones of course will be postponed to January, and there are rumors that the Democrats intend to be ugly about some of them if the President has too much to say for their good about the Southern out-rages. It is likely that they will make another effort to

STRANGLE THE ARMY.

Thanksgiving is a holiday with all and the Departments are closed. Washington is idle and celebrating, were it not so my letter would be longer. LOGAN.

THE FREIGHTS AND FARE QUESTION.

(Elko Independent)

Several leading papers of this State have lately been urging the importance of the building of a competing transcontinental Railroad line. Now as far as the general interests of the country are concerned the building of such a road is, of course, of very great importance, but at the same time it would not materially affect one way or the other the interests of the people of this State. It is very easy to see that a competing line would have a tendency to reduce the price of through freights and fares, and it is equally as easy to see that it could have no effect on freights and fares to intermediate points on either of the roads, because to those points there would be no competition. The only hope of relief from the outrageously inconsistent and excessive freight and passenger charges which the people of this State are suffering under at the hands of Central Pacific Railroad Co. is in State and National Legislation. The platforms of both political parties in this State at the recent election contained resolutions requiring Legislation for the purpose of regulating this matter at the hands of the Legislature which is about to assemble at Carson City, and it is to be hoped that the demands of the people in this matter will be attended to. The Republicans being in a very large majority in that body, the party will be held responsible for whatever is done or whatever is neglected to be done there this winter. But the principal part of the Legislation that is required in this matter can only be done by the Congress of the United States; and that is the regulation of freights and fares to points in this State from California and from the Eastern States.

Our Congressman elect, the Hon. R. M. Daggett, in his recent canvass of this State said in his speeches that in the event of his election he was going to make "a pick handle fight" for the enactment of a law requiring the C. P. R. Co. to transport freight and passengers for prices directly in proportion to the distances, and allowing a proper compensation for handling freight where it is only transported a short distance. The State of Nevada has never hitherto elected the same man for two terms to Congress, but we will venture the prediction that if Mr. Daggett shall fulfill his promise in this matter he will be re-elected to Congress two years from now by a very large majority.

WILLIAM N. TAYLOR has been left \$100,000 on condition that he marries before he becomes of age. He is now 20 and is understood to have no choice. His postoffice address is Whitehall, New York.

Mr. TALMAGE having claimed that hell has four gates, the Buffalo Express hopes they open outward, so as to give easy egress in case of fire.

CATARRH

Of Ten Years Duration. The Discharges Thick, Bloody, and of Foul Odor. Senses of Smell and Taste Wholly Gone. Entirely Cured by

SANFORD'S RADICAL CURE.

Messrs. Weeks & Potter: Gentlemen—I feel compelled to acknowledge to you the great benefit SANFORD'S RADICAL CURE has been to me. For ten years I have been afflicted with this loathsome disease, and capable of doing the most fearful things. I have been unable to do my work, and have been unable to recover my senses of taste and smell until I tried SANFORD'S CURE. You can never say one word about it to me, and I will not inform you in detail as to the benefit the remedy has been to me. Yours truly, M. L. COLBERT, H. FORD.

GRAND RAPIDS, MICH., Nov. 15, 1878.

LATER. Gentlemen: The package of SANFORD'S CURE you sent me last night, I don't know what I should have done with it had not been for this remedy. I tried it last night, and everything cleared, and I have been able to do my work, and I have been able to recover my senses of taste and smell until I tried SANFORD'S CURE. You can never say one word about it to me, and I will not inform you in detail as to the benefit the remedy has been to me. Yours truly, M. L. COLBERT, H. FORD.

GRAND RAPIDS, MICH., Nov. 15, 1878.

SANFORD'S RADICAL CURE

Not only promptly arrests the corroding discharges, but also, by its sympathetic action, it restores to sound health all the organs of the head that have become affected by it, and exhibiting the following symptoms:—

Defective Eyesight, Inflamed and Watery Eyes, Painful and Watery Eyes, Loss of Hearing, Earache, Numbness of the Ear, Ringing Noises in the Head, Dizziness, Nervous Headache, Pains in the Temples, Loss of the Senses of Taste and Smell, Elevation of the Throat, Inflammation of the Tonsils, Putrid Sore Throat, Tickling or Hoarseness of the Lungs.

Each package contains Dr. Sanford's Improved Inhalant, a full and carefully prepared directions for use in all cases. Price, \$1. For sale by all wholesale and retail druggists and dealers throughout the United States and Canada. W. E. K. & P. O. T. L. H. General Agents and Wholesale Druggists, Boston, Mass.

COLLINS' VOLTAIC PLASTERS

AN Electro-Catalytic Battery, combined with a highly medicated Plaster, forming the grandest curative agent in the world. I need not say, but am happy to say, that I have used them, and they accomplish more in one week than the old Plasters in a whole year. They do not irritate, they cure. They

Relieve Affections of the Chest. Relieve Affections of the Lungs. Relieve Affections of the Heart. Relieve Affections of the Liver. Relieve Affections of the Spleen. Relieve Affections of the Kidneys. Relieve Affections of the Bladder. Relieve Affections of the Uterus. Relieve Affections of the Muscles. Relieve Affections of the Joints. Relieve Affections of the Skin.

No matter what may be the extent of your suffering, the use of the Plaster will be instantaneous. A fact supported by hundreds of testimonials in our possession. Bear in mind that the most important discovery of modern times is the discovery of the Voltaic Plaster, and that combinations of gums and resins of plants and minerals are here united with electricity to form a curative Plaster, in scientific, healthful, and safe, and in every respect far superior to all other Plasters heretofore in use as the scientific physician is to the horse-leech.

Price, 25 Cents.

Be careful to call for COLLINS' VOLTAIC PLASTER, and get the genuine. Sold by all Wholesale and Retail Druggists throughout the United States and Canada, and by W. E. K. & P. O. T. L. H. Proprietors, Boston, Mass.

NOTICE.

NOTICE IS HEREBY GIVEN TO ALL PARTIES indebted to N. J. Salisbury, by book account or otherwise to settle the same immediately and save costs of suit. C. S. MARTIN, Agent.

NOTICE.

All parties indebted to the late firm of James Toombs & Co. are respectfully requested to settle the same without delay, either at the store or with the undersigned. C. S. MARTIN, Collector.

NOTICE.

Notice is hereby given to all parties owing the late firm of Dr. Johnson & Dawson to settle immediately and save costs of suit. C. S. MARTIN, Collector.

Reno, Dec. 5, 1878.

FOR SALE.

200 ACRES OF GOOD LAND Within 1 1/2 miles of the Court House,

FOR SALE CHEAP.

For particulars apply to W. H. TREDWAY. Reno, Nev., Nov. 15, 1878.

SETTLE.

ALL PERSONS INDEBTED TO NORTON & PLINT must settle their indebtedness by cash or note before January 1, 1879, or suffer the consequences. NORTON & PLINT. Reno, Dec. 5, 1878-td.

ANNUAL MEETING.

THE ANNUAL MEETING OF THE STOCKHOLDERS OF Verdi Plume Company will be held at the office of the Company at Verdi, on Dec. 17th, 1878, at 10 o'clock A. M. Said meeting should have been held on the first Monday of October, 1878. WM. MERRILL, Secretary. Reno, Dec. 5, 1878-td.

S. M. JAMISON,

DEALER IN BOOKS, STATIONERY PAPERS, MAGAZINES,

CIGARS, TOBACCO, YANKEE NOTIONS, & C.

Commercial Row, Reno, Nev.

ap4-td

CAUTION NOTICE.

THE PUBLIC ARE HEREBY CAUTIONED against a purchase of the following certificates of stock in the Crown Prince Mining Company, the same having been sold to pay delinquent assessments:

Names,	No. Cert.	Shrs.	Am't
D. D. Bowen	90	70	\$ 6 00
R. M. Clark	65	10	30 00
R. Johnson	2	118	3 50
Z. L. King	84	230	7 50
M. J. Smith	88, 69, 71,		
	72, 73, 75,		
	76, 77, 105	1180	35 40
	1, 6	25	75

W. Vanmetre, 1, 6

By order of the Board of Trustees.

WILLIAM H. JAMISON, Secretary.

Reno, Nov. 14th, 1878.

SALOONS.

RENO EXCHANGE,

COMMERCIAL ROW, RENO, NEV.

BLOCK & WHITE, Proprietors.

Keep none but the best

WINE, and CIGARS.

Havana and Domestic Cigars

a Specialty.

CALL AROUND AND SEE ME.

MINT SALOON.

MARTIN SANDERS HAS TAKEN

charge of this well known saloon, where he invites all his friends to visit him.

LIQUORS,

WINE,

CIGARS, ETC.

OF THE BEST.

MORRIS ASH,

VIRGINIA STREET, RENO.

DEALER IN—

WINE, LIQUORS & CIGAR

OF THE BEST BRANDS,

By Wholesale or Retail.

A large supply of the celebrated St. Louis Beer

always on hand. Give me a call

aug1-td MORRIS ASH.

FOR THE

HOLIDAYS!

THE LARGEST AND MOST COM

PLATE STOCK OF

MEERSCHAUM & AMBER

GOODS,

Ever brought to Reno can now be seen at

D. MEYER'S

CIGAR AND TOBACCO STORE.

A Full Line of First-class Brands of

CHEWING AND SMOKING TOBACCO,

IMPORTED CIGARS,

A new arrival of all leading brands.

The Best BIT Cigar in the State!

CIGARETTES IN ENDLESS VARIETY.

Playing Cards Cheaper Than Ever.

E. MEYER,

Commercial Row, Manning & Duck's Building

WEIL BROTHERS,

AGENTS FOR CLEVELAND SUIT

AND CLOAK COMPANY,

Do hereby announce to the ladies of Reno and vicinity that they will sell out their entire stock of

CLOAKS, LADIES' UNDERWEAR,

FANCY GOODS,

Also 100,000 yards latest designs of

Embroidery at Cost.

As Mr. Weil is compelled to go East to superin-

tend his purchase of Spring and Summer Goods

Therefore please call immediately to secure

Bargains as they mean what they advertise.

WEIL & BRO.

F. C. UPDIKE.

C. W. CLARK.

UPDIKE & CLARK,

HOUSE AND SIGN PAINTERS

GRAINING AND GLAZING, ETC.,

PAPER HANGING,

Decorating in All its Branches

KALSO MINING & TINTING

A SPECIALTY.

Charges Down To Bedrock

WE GUARANTEE SATISFACTION.

SHOP on Second street, between Virginia and

entre streets. aug21-td

WILL AM PINNIGER,

DRUGGIST AND APOTHECARY

RENO DRUG STORE,

COMMERCIAL ROW, RENO, NEV.

nov8-td

TO WHOM IT MAY CONCERN.

THE UNDERSIGNED WILL RENT HIS

farm or Ranch for one or three years to

any good, reliable man or will sell it price suits.

He has for sale one hundred and fifty tons of alfalfa hay in the stack or bale. The ranch is situated six miles south of Reno. For further particulars apply to

W. F. LYTLE.

Postoffice address, Reno, Nevada. sep24-td

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PRACTICAL LAUNDRYMEN. WE CALL

and return Clothes whenever desired. We

guarantee satisfaction. Having been in the

Laundry business as long in Reno, we feel ju-

stified in saying that we give general satisfaction.

Charges reasonable. Give us a trial.

SU LEE & CO.

RENO, NEV.

nov8-td

PRIVATE SCHOOL.

MISS EMERSON WELLY

has from the public that she has opened a

private school in the Congregational Church,

is now ready to receive pupils. Terms reason-

able.

nov8-

